

Order

Michigan Supreme Court
Lansing, Michigan

March 20, 2019

Bridget M. McCormack,
Chief Justice

158150-1

David F. Viviano,
Chief Justice Pro Tem

PROGRESS MICHIGAN,
Plaintiff-Appellant,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 158150-1
COA: 340921; 340956
Court of Claims: 17-000093-MZ

ATTORNEY GENERAL,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the June 19, 2018 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether there is a sovereign or governmental immunity defense to the failure to disclose public records pursuant to the Freedom of Information Act (FOIA), MCL 15.231 *et seq.*; (2) if so, whether that immunity is waived by the FOIA; (3) whether the notice and verification requirements of the Court of Claims Act, see MCL 600.6431(1), are applicable to a FOIA appeal; (4) if so, whether the Court of Appeals erred when it held that the plaintiff's failure to follow the verification requirement in its original complaint, which was filed within one year after the FOIA claim accrued, MCL 600.6431(1), rendered the complaint "invalid from its inception" and incapable of amendment; and (5) whether the Court of Appeals erred when it held that the verified amended complaint, also filed within the one-year period, could not "relate back" to the date of the original complaint for purposes of compliance with the 180-day limitations period of the FOIA.



s0313

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 20, 2019

Clerk